## UNITED STATES DISTRICT COURT DISTRICT OF MAINE

MARK A. BOWEN	)
PLAINTIFF vs.	) ) )
DITECH FINANCIAL LLC, f/d/b/a GREEN TREE SERVICING LLC	) CA No. 2:16-cv-00195-JAW
THE FEDERAL NATIONAL MORTGAGE ASSOCIATION	) ) )
DEFENDANTS	) )

## **Plaintiff's Motion To Expedite**

The Plaintiff, Mark A. Bowen, requests that the Court issue an expedited briefing schedule and determination on the Plaintiff's Motion to Exclude or Convert the Defendants' Motion to Dismiss. In support thereof the Plaintiff states the following:

The Court issued a Procedural Order (Doc. #63) yesterday, February 7, 2017 which set out deadlines for filing of dispositive motions by March 1, 2017. As argued in the Plaintiff's Motion to Exclude or Convert, the Defendants' Motion to Dismiss includes facts and documents outside the four corners of the Amended Complaint and should either be stricken or converted to a Motion for Summary Judgment. The legal standards for a Motion to Dismiss and Motion for Summary Judgment are different and require citations to entirely different pleadings and documents. Either striking the Motion to Dismiss or converting it to a Motion for Summary Judgment, which would be warranted given the content of the Motion to Dismiss, would enable the parties to move forward with one set of briefings under one standard of proof- that of

Summary Judgment. The Plaintiff therefore respectfully requests an expedited briefing schedule and determination on the Motion to Exclude or Convert before the March 1, 2017 deadline.

Respectfully submitted this 8<sup>th</sup> day of February, 2017,

/s/ Andrea Bopp Stark
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## **CERTIFICATE OF SERVICE**

I, Andrea Bopp Stark, hereby certify that I am over eighteen years old and caused a true and correct copy of the Plaintiff's Motion to Expedite to be served on the parties per the Court's ECF electronic filing system, on February 8, 2017.

Dated: February 8, 2017

Mark A. Bowen

By:
/s/ Andrea Bopp Stark
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